

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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SECURITIES AND EXCHANGE COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:18-cv-12058-RGS
)	
ROGER KNOX, WINTERCAP SA,)	
MICHAEL T. GASTAUER, WB21 US)	
INC., SILVERTON SA INC., WB21 NA)	
INC., C CAPITAL CORP., WINTERCAP)	
SA INC. AND B2 CAP INC.)	
)	
Defendants,)	
and)	
)	
RAIMUND GASTAUER, SIMONE)	
GASTAUER FOEHR, B21 LTD., SHAMAL)	
INTERNATIONAL FZE, AND WB21 DMCC)	
)	
Relief Defendants.)	
-----)	

JOINT MOTION TO ENLARGE THE DEADLINE TO FILE DISPOSITIVE MOTIONS

Plaintiff Securities and Exchange Commission (the “Commission”) and defendant Michael Gastauer respectfully request that the Court extend the date by which dispositive motions are due from August 27, 2021 to October 29, 2021, and extend the date to oppose any such motions to November 19, 2021. Defendants WB21 US Inc., Silverton SA Inc., WB21 NA Inc., C Capital Corp., Wintercap SA Inc., and B2 Cap Inc. (collectively referred to herein with Michael Gastauer as the “Defendants”) and relief defendants Raimund Gastauer, B21 Ltd. and WB21 DMCC (the “Relief Defendants”) assent to the relief requested herein. As grounds for this request, the parties state as follows:

1. As set forth in the parties’ previous joint motions to continue the dispositive motions

deadlines, the Defendants and Relief Defendants have made good faith offers of settlement to the Commission. Dkt Nos. 203, 208. On June 23, 2021, the parties reported that defendant Michael Gastauer had requested additional time to ascertain the collateral consequences, if any, that a settlement in this matter might have on him in foreign countries (where he resides), and that the corporate Defendants and Relief Defendants subject to this motion—and Michael Gastauer’s father (Raimund Gastauer)—would be unlikely to execute final settlement offers until Michael Gastauer has completed this inquiry. Dkt. No. 208.

2. Michael Gastauer has had an opportunity to conduct this inquiry, and the parties have continued to work towards finalizing settlement papers. Indeed, over the last two months the parties have exchanged numerous drafts and comments, and have continued to communicate by telephone, about agreeable terms.
3. At this time, the Defendants and Relief Defendants subject to this motion are reviewing what the Commission believes to be the final version of a settlement proposal. The parties continue to believe that this case will be resolved without the need for motion practice or a trial. Additional time is required, however, to finalize the agreements and—if the agreements are signed by the Defendants and Relief Defendants—additional time is required for the undersigned counsel representing the Commission to obtain authorization from the Commission to present proposed consent-decrees for the Court’s review and approval.
4. Accordingly, the parties respectfully request an extension so that, instead of using unnecessary judicial resources to litigate dispositive motions, (a) the parties can finalize settlement agreements, and (b) the parties can prepare and file proposed

consent decrees for the Court's consideration if the Commission approves the settlement offers.

CONCLUSION

For the foregoing reasons, the parties respectfully request that the Court extend the date by which dispositive motions are due from August 27, 2021 to October 29, 2021, and to extend the date to oppose any such motions from September 17, 2021 to November 19, 2021.

August 26, 2021

Respectfully submitted,
SECURITIES AND EXCHANGE COMMISSION
By its attorneys,

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Counsel for Michael T. Gastauer

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2021, a true and correct copy of the foregoing document was filed through the Court's CM/ECF system, and accordingly, the document will be sent electronically to all participants registered to receive electronic notice in this case. A copy will also be sent via first class mail and/or email to those parties who have not yet registered for notice via the Court's CM/ECF system.

/s/ Eric A. Forni
Eric A. Forni